

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL NO. 2:17-cr-23-KS-MTP-002

JOHN BAXTER

DEFENDANT

ORDER

THIS CAUSE IS BEFORE THE COURT on Motion to Withdraw Guilty Plea [169] filed by John Baxter, Response thereto [178] filed by the Government, and Reply [191] filed by Baxter. The Court has considered the pleadings and exhibits thereto and finds that pursuant to Criminal Rule 11(d)(2)(B) that the Defendant has shown a fair and just reason for requesting the withdrawal. The facts and circumstances regarding the Defendant's understanding of the discovery and the potential sentence justify this Court in granting this motion:

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion to Withdraw Guilty Plea [169] is GRANTED, and the Court sets aside the guilty plea of John Baxter. The parties are directed to contact the office of Magistrate Judge Michael T. Parker within three (3) days of the date of this Order to establish a scheduling order.

SO ORDERED this the 19th day of September, 2018.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE